

Translation

PATENT COOPERATION TREATY

PCT/EP2003/013265



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 029a WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/013265	International filing date (day/month/year) 26 November 2003 (26.11.2003)	Priority date (day/month/year) 03 December 2002 (03.12.2002)
International Patent Classification (IPC) or national classification and IPC F16C 29/02		
Applicant ZF LENKSYSTEME GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 18 June 2004 (18.06.2004)	Date of completion of this report 19 October 2004 (19.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/013265

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-16 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1-11 _____ received by this Authority on _____ 02 October 2004 (02.10.2004)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/1 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/EP 03/13265

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1 Claim 1

The formulation in claim 1

(a) and the sliding bearing (5) is arranged in a tooth-free area on the rack in such a way that a n d entrained by the rack (2) contact with the pinion (3) is precluded

is not clear within the meaning of PCT Article 6.

First, the word "a n d" is grammatically incorrect in the formulation as it stands, and secondly there is no statement to the effect that the contact between sliding bearing and pinion is precluded.

Claim 1 could be clarified by replacing formulation (a) with the following wording:

(A) and the sliding bearing (5), arranged in a tooth-free area on the rack (2) and entrained by the rack (2), precludes contact with the pinion (3).

The following positive assessment of novelty and inventive step is based on a clarified claim 1 which includes formulation (A). Furthermore, the validity

of this opinion is subject to the contents of DE 694 12 701 T2, which is cited in the description and which is not accessible to the EPO.

The distinguishing features in relation to the closest prior art according to DE-A-100 49 570, which are defined in the characterizing portion of claim 1, are not known from the available prior art and result in improved loading of the rack.

In these circumstances, the subject matter of claim 1 with version (A) (see above) may be assumed to be not only novel but also to involve an inventive step, provided that DE 694 12 701 does not interfere.

Consequently, the subject matter of claim 1 complies with the requirements of PCT Article 33(2) and (3).

2 Claims 2 - 11

Claims 2 to 11 describe embodiments of the subject matter of claim 1 and therefore also describe subjects which are novel and involve an inventive step.

3 Description

The description does not indicate which of the documents cited therein describes the closest prior art (PCT Rule 5.1(a)(ii) and (iii)).